

1                   IN THE UNITED STATES DISTRICT COURT  
2                   SOUTHERN DISTRICT OF OHIO  
3                   WESTERN DIVISION

4 -----  
5       WELLS FARGO BANK NA       :  
6       CROWN NORTHCORP       :  
7           Plaintiff       :  
8       -vs-                   : CASE NO. 3:07-CV-00449  
9       LaSALLE BANK NATIONAL   :  
10      ASSOCIATION       :  
11           Defendant       :

12 -----  
13                   Proceedings before the Honorable  
14       Magistrate Judge Michael R. Merz at the United  
15       States Courthouse, Federal Building, 5th Floor,  
16       Dayton, Ohio at 10:40 a.m. on November 4, 2009,  
17       before Paula A. Blosser, a Registered Professional  
18       Reporter and Notary Public within and for the State  
19       of Ohio.

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20       ON BEHALF OF PLAINTIFF

21  
22           Ms. Dianne Marx, Esq.

23       ON BEHALF OF DEFENDANT

24           Mr. Gregory Markel, Esq.

25

1           A. I think we are, I'm waiting for your  
2 question.

3           Q. My question was does Crown direct the  
4 litigation and you said, I believe, subject to  
5 consent of the controlling class representative, do  
6 I have that right?

7           A. So far, yes.

8           Q. And the controlling class  
9 representative was appointed by the first loss  
10 certificate holder, the controlling class in this  
11 securitization, correct?

12          A. Correct.

13          Q. And the first loss certificate holder  
14 or controlling class is as we've been calling it  
15 Forum, correct?

16          A. That's correct.

17          Q. Wells Fargo is not making the decisions  
18 in this litigation, correct?

19          A. That's correct.

20          Q. Wells Fargo isn't being consulted about  
21 this litigation, correct?

22          A. I'm not consulting Wells Fargo,  
23 correct.

24          Q. When you were at Crown, you didn't go  
25 to Wells Fargo seeking their input or concept in

1 connection with this litigation, correct?

2 A. We sought their consent.

3 Q. To file the case, correct?

4 A. Correct.

5 Q. But in terms of conducting the case,  
6 have you sought Wells Fargo's input or consent?

7 A. I have not, no.

8 Q. Now, I believe you testified that all  
9 of Crown's special servicing work for the period of  
10 time you were working full time for them were  
11 LaSalle securitizations, correct?

12 A. That's correct.

13 Q. To the best of your knowledge has that  
14 situation changed?

15 A. Not that I'm aware.

16 Q. As far as you know, from 2005 to today,  
17 all the work that goes on at Crown special  
18 servicing group is on LaSalle loans correct?

19 A. That's correct.

20 Q. So for another way LaSalle is the only  
21 participant in the industry, the only lender that  
22 Crown knows from a business perspective, correct?

23 A. That Crown corporately.

24 Q. Yes.

25 A. Yes. Ask that question again, I think